

**REMARKS**

By the present amendment, the applicants have amended the paragraph beginning at line 8 on page 2 of the specification to correct inadvertent errors therein as pointed out by the Examiner in the Office Action. The applicants have also amended claim 7 by deleting "syringes" therefrom, so that a new drawing as suggested by the Examiner in the Office Action is not required.

In the Office Action, the Examiner rejected claims 1 and 5 to 9 as being anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,031,252 to *Oyama*. The *Oyama* reference relates to a toilet seat disinfecting apparatus wherein beginning at Column 3, line 67 to Column 4, line 25 (referenced by the Examiner in the Office Action), the patentee describes the disinfectants utilized in the disclosed apparatus. However, nowhere in the cited *Oyama* reference does the patentee describe what propellant is used in his apparatus nor does he mention the mixing of carbon dioxide with the disinfectant. In the instant invention, as described in the specification and clearly indicated in claim 1, carbon dioxide is mixed with the disinfectant.

Also in the Office Action, the Examiner rejects claims 1 and 10 as being anticipated under 35 U.S.C. 102(b) by U.S. Patent No.

4,431,120 to *Burger*. The Examiner specifically points to column 1, lines 9-68 and Column 2, lines 1 to 34 to support his allegation of anticipation. However, nowhere within these lines of the *Burger* reference is there a disclosure that carbon dioxide is used by Burger as a propellant or otherwise mixed with the ingredients of the aerosol container. In fact, at Column 1, lines 61 to 66 *Burger* specifies that the propellant used in his disclosed aerosol dispensing system is a "hydrocarbon propellant, meaning a propellant that is made of carbon and hydrogen atoms only". Obviously, carbon dioxide is not a hydrocarbon since it contains atoms of carbon and oxygen only.

The Examiner has also rejected claims 2 to 4 as being obvious under 35 U.S.C. 103(a) over the *Oyama* reference in view of U.S. Patent No. 4,084,747 to *Alliger*. Again, the applicants wish to point out to the Examiner that there is no disclosure in the cited *Alliger* reference that carbon dioxide is or should be mixed with a disinfectant just as there is no such disclosure in the *Oyama* reference.

As clearly pointed out in the instant specification, the mixing of carbon dioxide with a disinfectant or biocide such as chlorine gas gives a synergistic result such that smaller concentrations of chlorine are required and the disinfectant is

stabilized for a long period of time (Specification, page 5, lines 5 to 19). Thus, it is clear, that the gist of the invention is the mixing of carbon dioxide with the disinfectant such that it is impossible to anticipate or render obvious the present invention without a disclosure that carbon dioxide is mixed with a disinfectant.

In view of the above, it is respectfully submitted that the rejection of claims 1 to 10 on the cited references is erroneous and should be withdrawn. Such action is respectfully solicited.

Respectfully submitted,

GIORGIO VALENTINI, ET AL

By: Joseph J. Orlando  
Joseph J. Orlando, Reg. No. 25,218  
Allison C. Collard, Reg. No. 22,532  
Edward R. Freedman, Reg. No. 26,048  
Attorneys for Applicants  
Customer No.: 178

BUCKNAM & ARCHER, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on September 25, 2003.

MARIA GUASTELLA  
MARIA GUASTELLA